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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,859	08/23/2001	Masahiko Enari	450100-03421	9497
20999	7590	08/31/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	
DATE MAILED: 08/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,859

Applicant(s)

ENARI, MASAHIKO

Examiner

Ramsey Refai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) received on August 19, 2005. Claims 1-5 have been amended and remain pending examination.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (U.S. Patent No. 6,714,797).

1. As per claim 1, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal
(column 6, lines 2-7);

acquiring an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded (column 6, lines 35-40, column 8, lines 31-37); and

supporting the downloading of the retrieved electronic content to a recording medium by inputting the identification code to said information terminal (column 6, lines 5-60, column 8, lines 25-45).

2. As per claim 2, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal
(column 6, lines 2-7);;

downloading, to a portable recording medium, an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded (column 6, lines 35-40, column 8, lines 31-37); and

supporting the downloading of the retrieved electronic content to the recording medium by supplying the identification code from the recording medium to said information terminal (column 6, lines 5-60, column 8, lines 25-45).

3. As per claim 3, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal

(column 6, lines 2-7);

retrieving a content from the available of electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded; downloading an identification code for identifying the retrieved electronic content **(column 6, lines 35-40, column 8, lines 31-37);**

verifying the retrieved electronic content by inputting the downloaded identification code to said information terminal; and downloading the retrieved electronic content to a recording medium loaded into said information terminal **(column 6, lines 5-60, column 8, lines 25-45).**

4. As per claim 4, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and a store terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal

(column 6, lines 2-7);;

acquiring an identification code for identifying an electronic content which is retrieved from the available electronic contents by using said user terminal to access via a network a server

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in which the available electronic contents are recorded (**column 6, lines 35-40, column 8, lines 31-37**);

inputting the identification code to said store terminal; and supporting the purchase of the electronic content corresponding to the identification code (**column 6, lines 5-60, column 8, lines 25-45**).

5. As per claim 5, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and a store terminal which is installed in a store and which is linked via broadband link to a server in which a plurality of electronic contents are recorded, said electronic content providing method comprising the steps of:

accessing a menu of electronic contents using said remote user terminal (**column 6, lines 2-7**);

acquiring an identification code for identifying an electronic content which is retrieved from the electronic contents by using said user terminal linked via a narrowband link to said server (**column 6, lines 35-40, column 8, lines 31-37**); and

supporting the purchase of the electronic content corresponding to the identification code by inputting the identification code to said store terminal (**column 6, lines 5-60, column 8, lines 25-45**).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Chen et al (U.S. Patent No. 6,195,694);
- b. Delph (U.S. Patent No. 6,286,029)
- c. Goodwin, III et al (U.S. Patent No. 6,510,990)
- d. Tracy et al (U.S. Patent No. 5,979,757)
- e. Wilz et al (U.S. Patent No. 6,622,919).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


August 26, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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Ramsey Refai
Examiner
Art Unit 2152